IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2843 OF 1987

Blue Skies Private Limited : Plaintiff

V/s.

Computer Automation (India) Limited & Ors.: Defendants

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Mr.C.D.Patel i/b. Mr.Vevek Sharma for the plaintiff.

None present for the defendants.

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CORAM : S.A.BOBDE, J.

DATE : FEBRUARY 9, 2007.

P.C.

1. Writ of summons was served on 15.4.1988. However, no written statement has been filed till date.

2. The suit is for recovery of an amount of Rs.1,14,138/- with interest thereon at the rate of 15% per annum. The suit is for recovery of charges due for air-cargo of six consignments taken by the defendants. The defendants placed orders with the plaintiff to arrange for the air-shipment of goods from various international destinations to Mumbai. For the period from March to April 1984, on orders from the defendants, the plaintiff arranged for six consignments of the goods required by the 1st defendant. The goods arrived in Mumbai in good condition. The plaintiff raised bills on account of the

tickets and freight charges amounting to Rs.1,00,399/-. Since no payment was forthcoming, the plaintiff sent notice under section 434 of the Companies Act at exh.'B'. The defendants have admitted that Rs.1,00,399/- was payable to the plaintiff who sought to unilaterally reject the amount of Rs.48,000/- which was on account of alleged damages.

3. The plaintiff then filed Company Petition no.658 of 1984. This Court directed the defendants to deposit Rs.51,000/-. However, in appeal this Court ordered that the plaintiff be paid a sum of Rs.24,814/-. The plaintiff then filed the suit. As observed earlier, there is no written statement. The allegations in the plaint are uncontroverted. The allegations are supported by the exhibits which are invoices in respect of air tickets and air cargo consignments and proceedings of the dispute between the parties.

4. In the circumstances, it is appropriate in the interest of justice to grant a decree to the plaintiff in the sum of Rs.1,14,138/- with interest thereon at the rate of 12% per annum from the date of filing of the suit till payment.

5. Decree be drawn up accordingly.

S.A. BOBDE, J.